

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE)
EXTRADITION OF) NO. 10M-1013-JGD
DAVID E. CASTANEDA-CASTILLO)

INTERIM ORDER ON APPLICATION FOR BAIL

This matter is before this court on the Application for Bail filed by David Castaneda-Castillo. (Docket No. 12). Oral argument was heard on April 15, 2010 and the court has the application under advisement.

It is undisputed that “[t]here is a presumption against bail in extradition cases and only ‘special circumstances’ justify release on bail.” United States v. Kin-Hong, 83 F.3d 523, 524 (1st Cir. 1996), and cases cited. “Such circumstances may include a delayed extradition hearing” or “the raising of substantial claims against extradition on which the relator has a high probability of success . . . or an unusual delay in the appeals process,” among other things. Id. Similarly, whether the detainee poses a risk of flight, while not controlling, is a relevant consideration. See, e.g., United States v. Ramnath, 533 F. Supp. 2d 662, 667 (E.D. Tex. 2008). This list is not intended to be exhaustive.

In considering the Application for Bail, this court has concluded that it is critically important to understand the actual basis for the extradition request, and the scope of the charges being made against Mr. Castaneda-Castillo. This will likely impact both the schedule of future process in this court as well as the appellate courts, and may factor into the court’s assessment of the risk of flight. At the last hearing, the government indicated

that it expected to be in a position to file its complaint by mid to late May. Therefore, unless there is an objection, this court will defer ruling on the Application for Bail at this time. Assuming that the complaint is filed by the end of May, this court will schedule a status conference and further hearing on the issue of bail for the beginning of June, and render a decision on the issue of bail as soon thereafter as possible.

Any objection to this court deferring on the issue of bail in accordance with this Order shall be transmitted to Thomas Quinn, Deputy Clerk, as soon as possible. Mr. Quinn will advise me that an objection to this proposed schedule has been made, but will not identify which party objected.

By the Court,

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: May 12, 2010